

**REMARKS**

Claims 1 to 26, 28-33 and 35 to 50 are currently pending in this application.

In response to the Restriction Requirement mailed on October 21, 2008, the Applicant hereby elects species 1, "a fountain apparatus that has fluid diverters, control ports, a vortex amplifier and an input" without prejudice to pursue the claims on the non-elected species at a future date in this or another application. Additionally, the Applicant requests that the Examiner consider rejoinder of non-elected claims as appropriate should allowable subject matter be found among the elected claims.

Additionally, by this amendment, Applicant has amended claim 44 to depend from claim 1. No new matter has been added by these amendments, full support for the amendments being found in the specification and drawings as filed. Entry of these amendments is respectfully requested. In view of the above amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Accordingly a timely indication of allowance is respectfully requested.

If any other papers are required, or if there are any issues that can be resolved by telephone with Applicants' representative, the Examiner is encouraged to contact the undersigned directly.

A fee of \$245 for a two month extension of time is believed due in connection with this communication. The Commissioner is hereby authorized to charge this fee and any other fees due with this Preliminary Amendment to Deposit Account No. 19-2090.

Respectfully Submitted,

SHELDON MAK ROSE & ANDERSON

Date: June 15, 2009

By: /Marc Karish/

Marc Karish

Reg. No. 44,816

SHELDON MAK ROSE & ANDERSON  
100 Corson Street, 3<sup>rd</sup> Floor  
Pasadena, California 91103-3842

Telephone (626) 796-4000  
Facsimile (626) 795-6321